

RECORDATION FORM COVER SHEET  
PATENT APPLICATIONS & PATENTS ONLY

TO THE DIRECTOR OF THE US PATENT AND TRADEMARK OFFICE:

SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.

## 1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):

1. John T. Strom  
2. Raymond H. Kraft  
3.  
4.  
5.  
6.  
7.  
8.

ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED?  YES  NO

## 2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: Applied Precision, LLC

ADDRESS: 1040 12<sup>th</sup> Avenue N.W., Issaquah, Washington 98027-8929ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED?  YES  NO

## 3. NATURE OF CONVEYANCE (DOCUMENT):

(Submit herewith only one document for recordation—multiple copies of same Assignment signed by different inventors is one document)

ASSIGNMENT OF  WHOLE  PART INTEREST  
 ORIGINAL  FACSIMILE/PHOTOCOPY  
 CHANGE OF NAME  VERIFIED TRANSLATION  
 SECURITY  MERGER  OTHER:

EXEC. DATE: June 25, 2004

EXECUTION DATE(S) ON THE DECLARATION IF FILED HEREWITH: (NOTE: IF DATES ON DECLARATION AND ASSIGNMENT DIFFER SEE ATTY!)

4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached?  YES  NO

A. PAT. APP. NO.(S) Series code/serial no.	M#	1 <sup>st</sup> INVENTOR if not in item 1	B. PATENT NO(S)	M#	1 <sup>st</sup> INVENTOR if not in item 1
10/801,944	044182-308760				

5. Name & Address of Party to Whom Correspondence  
Concerning Document Should be Mailed:

Pillsbury Winthrop LLP  
 Intellectual Property Group  
 11682 El Camino Real, Suite 200  
 San Diego, CA 92130-2092

6. NUMBER INVOLVED:  
 APPLNS 1 + PATS 0 = TOTAL = 1

7. AMOUNT OF FEE DUE: (Code 8021)  
 ABOVE TOTAL x \$40 = \$40

## 5.5 ATTY DKT:

P 044182	308760	UNDER ORDER NO	044182	308760
MATTER NO.	CLIENT REF.	dup. sheet not required	CLIENT NO.	MATTER NO.

9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of  
the original document.

10. Total number of pages including this  
cover sheet, attachments and document  
(do not file dup. Cover sheet)

3

Signature

Attorney: Victor J. Castellucci

Reg. No. 43,535

Date: July 8, 2004

Atty/Sec: VJC/kac

TEL: (858) 509-4007

FAX: (858) 509-4010

FILE WITH PTO RETURN RECEIPT (PAT-103A)

Please return signed/recorded to:  
Pillsbury Winthrop LLP  
Intellectual Property Group  
11682 El Camino Real, Suite 200  
San Diego, CA 92130-2092

Atty. Dkt. PMS 044182 | 308760  
M# | Client Ref.

**ASSIGNMENT**  
**of U.S. Origin Patent Application**

WHEREAS, the undersigned, to wit:

1) John T. Strom 2) Raymond H. Kraft  
3) \_\_\_\_\_ 4) \_\_\_\_\_  
5) \_\_\_\_\_ 6) \_\_\_\_\_  
7) \_\_\_\_\_ 8) \_\_\_\_\_

(hereinafter collectively ASSIGNOR), has/have made an invention known as Dkt. 044182-308760

and entitled: SYSTEM AND METHOD OF MEASURING PROBE FLOAT

for which an application for Letters Patent of the United States

was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;  
 was filed on March 15, 2004, Appln. No. 10/801,944 ;

AND WHEREAS Applied Precision, LLC

(hereinafter ASSIGNEE), duly organized and existing under the laws of the State of Delaware  
and having its principal office and place of business at 1040 12<sup>th</sup> Avenue N.W., Issaquah, Washington 98027  
desires to acquire an interest therein;

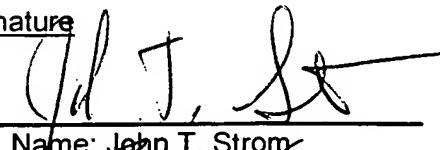
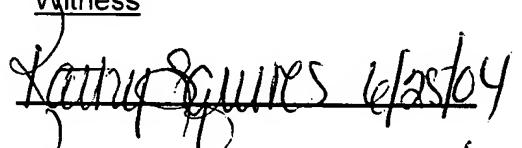
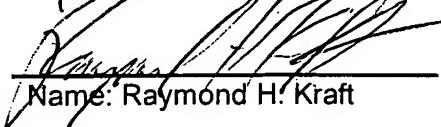
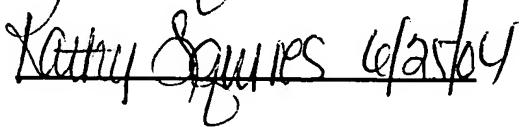
NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration,  
the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign  
and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title  
and interest to said invention in the United States and all foreign countries, as described in the aforesaid  
application, and to said application and to all continuations, divisions, reissues and substitutes of said application,  
together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-  
American Convention Relating to Patents, Designs and Industrial Models, and any other international  
agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the  
Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its  
successors, assigns and legal representatives.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

NOTE: The undersigned hereby authorizes Pillsbury Winthrop LLP of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1)  Name: John T. Strom	<u>6/25/04</u>	 <u>Kathy Squines 6/25/04</u>
2)  Name: Raymond H. Kraft	<u>25 June 2004</u>	 <u>Kathy Squines 6/25/04</u>
3) _____ Name: _____	_____	_____
4) _____ Name: _____	_____	_____
5) _____ Name: _____	_____	_____
6) _____ Name: _____	_____	_____
7) _____ Name: _____	_____	_____
8) _____ Name: _____	_____	_____

FOR UTILITY  
ORIGINAL  
DECLARATION

RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED SYSTEM AND METHOD OF MEASURING PROBE FLOAT, the specification of which was filed on March 15, 2004 as U.S. Application No. 10/801,944.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

<u>Number</u>	<u>Country</u>	<u>Filed</u>	<u>Date First Laid Open Or Published</u>	<u>Date Patented or Granted</u>	<u>Priority Claimed</u>

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)

<u>Application Number</u>	<u>Filed</u>	<u>Status</u>	<u>Priority Claimed</u>
60/454,572	March 14, 2003	pending, abandoned, patented	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 27500 individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. names of persons no longer with their firm, to add new persons of their Firm to that Customer No., and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or an attorney of that Firm in writing to the contrary.

Power of Attorney to Customer Number

27500

Date:

6/25/04

INVENTOR'S SIGNATURE:

Name	JOHN	T.	STROM
First		Middle Initial	Family Name
Residence	North Bend	WA	U.S.A.
City		State/Foreign Country	Country of Citizenship
Mailing Address	1547 S.W. 12th Court, North Bend, WA 98045		

INVENTOR'S SIGNATURE:

Date:

25 June 2004

Name	BAYMOND	H.	KRAFT
First		Middle Initial	Family Name
Residence	Seattle	WA	U.S.A.
City		State/Foreign Country	Country of Citizenship
Mailing Address	5511 17th Avenue N.E., Seattle, WA 98105		

Atty. Dkt. No. 044182-0308760

70063910v1

**Rule 56(a) & (b) =37 C.F.R. 1.56(a) & (b)**  
**PATENT AND TRADEMARK CASES - RULES OF PRACTICE**  
**DUTY OF DISCLOSURE**

(a) Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability. (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability.

**PATENT LAWS 35 U.S.C.**

**§102. Conditions for patentability; novelty and loss of right to patent**

A person shall be entitled to a patent unless—

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or

(f) he did not himself invent the subject matter sought to be patented; or

(g) (1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or

(2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**§103. Condition for patentability; non-obvious subject matter**

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\* Six months for Design Applications (35 U.S.C. 172).

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- (b)(1) Notwithstanding subsection (a), and upon timely election by the applicant for patent to proceed under this subsection, a biotechnological process using or resulting in a composition of matter that is novel under section 102 and nonobvious under subsection (a) of this section shall be considered nonobvious if-
  - (A) claims to the process and the composition of matter are contained in either the same application for patent or in separate applications having the same effective filing date; and
  - (B) the composition of matter, and the process at the time it was invented, were owned by the same person or subject to an obligation of assignment to the same person.
- (2) A patent issued on a process under paragraph (1)-
  - (A) shall also contain the claims to the composition of matter used in or made by that process, or
  - (B) shall, if such composition of matter is claimed in another patent, be set to expire on the same date as such other patent, notwithstanding section 154.
- (3) For purposes of paragraph (1), the term "biotechnological process" means-
  - (A) a process of genetically altering or otherwise inducing a single- or multi-celled organism to-
    - (i) express an exogenous nucleotide sequence,
    - (ii) inhibit, eliminate, augment, or alter expression of an endogenous nucleotide sequence, or
    - (iii) express a specific physiological characteristic not naturally associated with said organism;
  - (B) cell fusion procedures yielding a cell line that expresses a specific protein, such as a monoclonal antibody; and
  - (C) a method of using a product produced by a process defined by subparagraph (A) or (B), or a combination of subparagraphs (A) and (B).
- (c) Subject matter developed by another person, which qualified as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.